

(2) Within the period ending 24 calendar months after the month in which the applicant passed the first of any required written tests, the applicant participated as a pilot in a pilot training program of a U.S. scheduled military air transportation service and is currently participating in that program.

[Doc. No. 11802, 38 FR 3161, Feb. 1, 1973, as amended by Amdt. 61-71, 47 FR 13312, Mar. 29, 1982; Amdt. 61-99, 61 FR 11256, Mar. 19, 1996; Amdt. 61-100, 61 FR 34548, July 2, 1996]

**§61.41 Flight instruction received from flight instructors not certified by FAA.**

Flight instruction may be credited toward the requirements for a pilot certificate or rating issued under this part if it is received from—

(a) An Armed Force of either the United States or a foreign contracting State to the Convention on International Civil Aviation in a program for training military pilots; or

(b) A flight instructor who is authorized to give that flight instruction by the licensing authority of a foreign contracting State to the Convention on International Civil Aviation and the flight instruction is given outside the United States.

**§61.43 Flight tests: General procedures.**

(a) The ability of an applicant for a private or commercial pilot certificate, or for an aircraft or instrument rating on that certificate to perform the required pilot operations is based on the following:

(1) Executing procedures and maneuvers within the aircraft's performance capabilities and limitations, including use of the aircraft's systems.

(2) Executing emergency procedures and maneuvers appropriate to the aircraft.

(3) Piloting the aircraft with smoothness and accuracy.

(4) Exercising judgment.

(5) Applying his aeronautical knowledge.

(6) Showing that he is the master of the aircraft, with the successful outcome of a procedure or maneuver never seriously in doubt.

(b) If the applicant fails any of the required pilot operations in accordance

with the applicable provisions of paragraph (a) of this section, the applicant fails the flight test. The applicant is not eligible for the certificate or rating sought until he passes any pilot operations he has failed.

(c) The examiner or the applicant may discontinue the test at any time when the failure of a required pilot operation makes the applicant ineligible for the certificate or rating sought. If the test is discontinued the applicant is entitled to credit for only those entire pilot operations that he has successfully performed.

**§61.45 Practical tests: Required aircraft and equipment.**

(a) *General.* Except when an applicant for a certificate or rating under this part is permitted to accomplish the entire flight increment of the practical test in a qualified and approved flight simulator or in a qualified and approved flight training device:

(1) The applicant must furnish for each required test, except as provided by paragraph (a)(2) of this section, an aircraft of U.S. registry—

(i) Of the category and class aircraft, and type aircraft, if applicable, for which the applicant is applying for a certificate or rating; and

(ii) That has a current standard or limited airworthiness certificate.

(2) At the discretion of the person authorized by the Administrator to conduct the test, the applicant may furnish—

(i) An aircraft that has a current airworthiness certificate other than standard or limited, but that otherwise meets the requirement of paragraph (a)(1) of this section;

(ii) An aircraft of the category and class, and type aircraft, if applicable, of foreign registry that is certificated by the country of registry; or

(iii) A military aircraft of the category and class aircraft, and type aircraft, if applicable, for which the applicant is applying for a certificate or rating.

(b) *Required equipment (other than controls).* Aircraft furnished for a flight test must have—

(1) The equipment for each pilot operation required for the flight test;

(2) No prescribed operating limitations that prohibit its use in any pilot operation required on the test;

(3) Pilot seats with adequate visibility for each pilot to operate the aircraft safely, except as provided in paragraph (d) of this section; and

(4) Cockpit and outside visibility adequate to evaluate the performance of the applicant, where an additional jump seat is provided for the examiner.

(c) *Required controls.* An applicant must furnish for each practical test an aircraft—

(1) (Other than lighter-than-air) listed in paragraph (a) of this section.

(2) That has engine controls and flight controls—

(i) That are easily reached; and

(ii) Unless the evaluator conducting the test accepts otherwise, that can be operated in a conventional manner by the applicant, other required crewmembers, and the evaluator if the evaluator occupies a pilot's seat.

(d) *Simulated instrument flight equipment.* An applicant for any practical test involving flight maneuvers and flight procedures accomplished solely by reference to instruments, must furnish equipment that—

(1) Excludes the applicant's visual reference to objects outside the aircraft; and

(2) Is otherwise acceptable to the Administrator.

(e) *Aircraft with single controls.* At the discretion of the examiner, an aircraft furnished under paragraph (a) of this section for a flight test may, in the cases listed herein, have a single set of controls. In such case, the examiner determines the competence of the applicant by observation from the ground or from another aircraft.

(1) A flight test for addition of a class or type rating, not involving demonstration of instrument skills, to a private or commercial pilot certificate.

(2) A flight test in a single-place gyroplane for—

(i) A private pilot certificate with a rotorcraft category rating and gyroplane class rating, in which case the certificate bears the limitation "rotorcraft single-place gyroplane only"; or

(ii) Addition of a rotorcraft category rating and gyroplane class rating to a pilot certificate, in which case a cer-

tificate higher than a private pilot certificate bears the limitation "rotorcraft single-place gyroplane, private pilot privileges, only".

The limitations prescribed by this subparagraph may be removed if the holder of the certificate passes the appropriate flight test in a gyroplane with two pilot stations or otherwise passes the appropriate flight test for a rotorcraft category rating.

[Doc. No. 11802, 38 FR 3161, Feb. 1, 1973, as amended by Amdt. 61–100, 61 FR 34548, July 2, 1996]

#### **§ 61.47 Flight tests: Status of FAA inspectors and other authorized flight examiners.**

An FAA inspector or other authorized flight examiner conducts the flight test of an applicant for a pilot certificate or rating for the purpose of observing the applicant's ability to perform satisfactorily the procedures and maneuvers on the flight test. The inspector or other examiner is not pilot in command of the aircraft during the flight test unless he acts in that capacity for the flight, or portion of the flight, by prior arrangement with the applicant or other person who would otherwise act as pilot in command of the flight, or portion of the flight. Notwithstanding the type of aircraft used during a flight test, the applicant and the inspector or other examiner are not, with respect to each other (or other occupants authorized by the inspector or other examiner), subject to the requirements or limitations for the carriage of passengers specified in this chapter.

#### **§ 61.49 Retesting after failure.**

(a) An applicant for a written or practical test who fails that test may not apply for retesting until 30 days after the date the test was failed. However, in the case of a first failure, the applicant may apply for retesting before the 30 days have expired provided the applicant presents a logbook or training record endorsement from an authorized instructor who has given the applicant remedial instruction and finds the applicant competent to pass the test.